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SIPDIS

SENSITIVE

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SUBJECT: MHA WILLING TO PONDER DEPORTEE DOCUMENTATION FIX

11. (SBU) Summary and Action Request: Ministry of Home Affairs Special Secretary Kanwar Pratap Singh told Charge, Consul General and Poloff on August 1 that MHA would be willing to meet with DHS representatives to explore developing a mechanism to speed up the process of documenting Indian nationals who are the subject of removal orders in the United States. While outlining the difficulties that Indian states face in verifying nationality, Singh suggested that a model similar to the fast-track process developed for the UK might work for the US, and invited the Embassy to send a letter to the Home Secretary proposing a meeting between MHA and DHS representatives. We should seize this opportunity to engage with the Home Ministry on deportations. Action Request: Post requests Department and DHS clearance on the proposed letter text contained at para 7. End Summary.

Deportee Documentation for the UK

12. (SBU) After Charge explained the necessity of developing an expedited system to document the over 17,000 Indian subjects of removal orders in the United States, Singh commented that India has such a "fast-track" system with the UK, and that his recent review of the program revealed that it was functioning well. He invited MHA Joint Secretary (Foreigners) Mishra to explain the details of the UK program to us.

13. (SBU) Mishra told us that under the agreement with the UK, the states of Punjab, Gujarat and Tamil Nadu (from where the majority of deportees hail) have designated a nodal officer to handle requests for nationality verification. UK immigration officials can directly send an e-mail request to the nodal officer, avoiding the previous requirement of diplomatic correspondence between the foreign ministries. MHA has provided the UK a format to guide in collecting information and making the request for verification from the state government. A copy of the UK MOU and GOI format was provided to the desk previously.

14. (SBU) Since the UK program was renewed in April, Mishra said, the time to verify nationality has dropped to only two months. However, the system is still imperfect at determining nationality because of the possibility that the information state officials verify may itself be inaccurate. Of the UK cases examined, 10% of the subjects were verified and issued passports, 20% of the cases were found to have insufficient data to conduct the verification, and 60% of the subjects' nationality could not be verified based on the information provided. (Note: Mishra did not specify the outcome of the remaining 10%. End Note) Mishra speculated that potential deportees may have deliberately given false information to avoid repatriation, or could be Pakistani, Bangladeshi or Nepalese citizens falsely claiming Indian nationality.

Willing to Discuss with DHS Team

15. (SBU) The Joint Secretary stated that MHA would be willing to discuss a similar system with US immigration enforcement authorities. He suggested that the Embassy write a letter outlining the scope of the undocumented deportee problem, and requesting a meeting between the appropriate DHS and MHA representatives.

Comment: It's a Start

16. (SBU) While the Home Ministry's proposal is not perfect, it represents the first step in developing a solution to the deportee documentation problem. We should take advantage of the Ministry's willingness to engage by sending the letter at para 7 below. End Comment.

Next Step: A Draft Letter to Get the Ball Rolling

17. (SBU) Action Request: Embassy seeks Department and DHS clearance to deliver the following draft letter to the Home Secretary:

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(Complimentary Opening)

As you are aware, the United States Department of Homeland Security (DHS) is currently holding approximately 200 Indian nationals in detention who have been convicted of criminal offenses, and there are approximately 17,000 other Indian nationals awaiting removal from the United States. DHS has been unable to deport these individuals because they lack documentation permitting them to return to India.

US law gives the Secretary of Homeland Security the authority to limit visa issuance to nationals of countries which do not act to promptly document their citizens pending deportation.

We understand that the Ministry of Home Affairs has developed a program with the Government of the United Kingdom to allow UK immigration officials to send requests for verification of nationality directly to nodal officers in the concerned state governments in India. This "fast-track" process has reduced the time that is spent waiting for verification of nationality and has allowed the Ministry of External Affairs to issue passports more expeditiously to Indian citizens awaiting deportation from the United Kingdom.

We would be very interested in exploring the possibility of establishing a similar cooperative system for verifying the nationality of Indian citizens awaiting removal from the United States. If the Ministry of Home Affairs is amenable to this idea, the Embassy proposes to arrange the visit of officials from the Department of Homeland Security to meet with their appropriate counterparts in the Ministry of Home Affairs to discuss this proposal.

(Complimentary Closing)

End text of proposed letter.
BLAKE